

### Remarks

The present amendment replies to the Official Action mailed June 19, 2003. That action rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Briechele et al. U.S. Patent No. 5,977,998 ("Briechele"). This sole ground for rejection is addressed below following a brief discussion of the present invention to provide context.

New claim 10 has been added. Claims 1-10 are presently pending.

### The Present Invention

ESL systems typically include a plurality of ESLs for each merchandise item in a store. ESLs display the price or promotional information of corresponding merchandise items on store shelves and are typically attached to a rail along the leading edge of the shelves. A store may contain thousands of ESLs to display the prices of the merchandise items. The ESLs are coupled to a central server where information about the ESLs is typically maintained in an ESL data file which contains ESL identification information and ESL merchandise item information. The central server sends messages, including price change messages, to the ESLs. Typical ESLs include a single display for displaying the price or promotional information and are attached to the shelf rail with the display facing outward into the aisle.

The present invention advantageously provides systems and methods for an improved ESL comprising two displays disposed on opposing sides of the ESL. The dual sided ESL of the present invention allows a retailer to display price, merchandising and operational information to consumers and store employees from multiple viewing angles utilizing a single ESL.

In one aspect, the ESL is mounted perpendicular to a shelf rail, allowing visibility to both sides. This perpendicular mounting technique requires less linear space along the shelf rail, allowing product density to be increased for small products. In another aspect, the ESL is

mounted on a free standing housing, allowing the ESL to be placed on various displays throughout the retail establishment.

An ESL in accordance with the present invention may display the same information on both sides of the ESL. In another aspect, the ESL may display different information on each side of the ESL.

#### The Art Rejections

The Official Action rejected claims 1-9 under 35 U.S.C. 102(e) as being anticipated by Briechele. This rejection is traversed as not supported by the relied upon art. As addressed by the Federal Circuit, anticipation under Section 102 can be found only if a reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 227 U.S.P.Q. 773 (Fed. Cir. 1985). If this rejection is maintained after the present response, clarification is requested of the application of the relied upon art to each of the elements of the claims. See 37 CFR 1.104(c)(2).

Briechele is entitled "Technique for Communicating with Electronic Labels in an Electronic Price Display System." A plurality of electronic display labels 15 are connected to buses which run along the front rails of store shelving. The buses connect the labels to a central computer which sends messages to the labels instructing the labels to display the price of various items. Each label includes a first LCD display 61a and a second LCD display 61b. As seen in the frontal view of Fig. 2 of Briechele, reproduced below, both the first and second display are clearly on a common surface, the front surface of the label. As seen in the top view of Fig. 3 of Briechele, also reproduced below, the only labeled and described feature of the rear side of the Briechele label is the connector 37 (with contacts 31-33) which plugs into one of the buses.

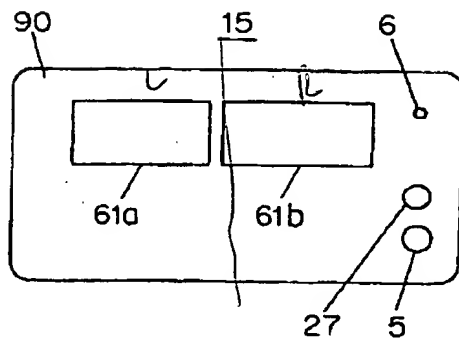


FIG. 2

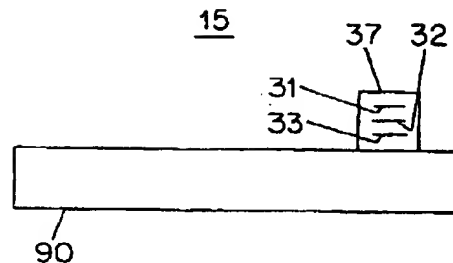


FIG. 3

In contrast to Briechele, the present invention provides an ESL comprising two displays disposed on opposing sides of the ESL. The dual sided ESL of the present invention allows the display of information from multiple viewing angles utilizing a single dual sided ESL. See claim 1, for example, which recites "*a first display disposed on a first side of the ESL for displaying information*" and "*a second display disposed on a second side opposed to the first side of the ESL for displaying information*" (emphasis added). Briechele clearly does not teach such a dual sided ESL. If this rejection is maintained following the present response, clarification is requested as to specifically how the Examiner believes the label of Briechele meets the claims of the present invention.

See also claim 4, for example, which recites that "a first ESL identification number is associated with the first display and a second ESL identification number is associated with the second display." Briechele does not teach such a technique. To the contrary, Briechele teaches that each label is associated with a single unique label identification number. See col. 4, lines 36-40 of Briechele which state that "[a] particular one of the registers contains the identification of label 15 which represents its *unique* address on the bus in electronic pricing system 10." (emphasis added)

Nothing in the cited reference indicates a recognition of the problems addressed by the present invention. Further, nothing in the cited reference teaches an apparatus which would solve

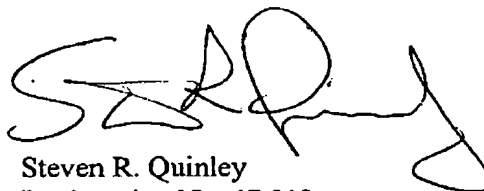
the problems addressed by the present invention in the manner solved by the present invention.

To sum up, the claims of the present invention are not taught, are not inherent, and are not obvious in light of the art relied upon.

Conclusion

All of the present claims defining over the relied upon art, prompt allowance of the claims is in order.

Respectfully submitted,



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